

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:22-CV-181-BO-RN

JUAN MANUEL REYES,
Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,
Defendants.

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ORDER

This cause comes before the Court on the memorandum and recommendation (M&R) of United States Magistrate Judge Robert T. Numbers, II. Plaintiff has responded to the M&R and the matter is ripe for ruling.

BACKGROUND

Plaintiff, who proceeds in this action *pro se*, has filed a complaint against the United States, the Department of the Navy, the U.S. Marine Corps, the Department of Veteran Affairs, the City of Jacksonville, N.C., and the Jacksonville Water Supply Company. [DE 10]. Although he cites to a number of statutes he contends defendants have violated, his claims arise from injuries plaintiff claims he suffered from COVID-19 and the water at Camp Lejeune and New River Marine Corps Air Station.

DISCUSSION

A district court is required to review de novo those portions of an M&R to which a party timely files specific objections or where there is plain error. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct de novo review, but instead must only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Plaintiff has filed an objection to the M&R, but has not raised substantive arguments of fact or law that legitimately challenge the M&R. Instead, plaintiff restates the factual basis already raised in plaintiff’s previous filings. Plaintiff does not contend that the magistrate judge applied the wrong law, misapplied the law, or applied the wrong facts to the law. Rather, he concedes that he has failed to exhaust his administrative remedy under the Camp Lejeune Justice Act. Accordingly, the Court ADOPTS the M&R in its entirety.

CONCLUSION

For the foregoing reasons, the memorandum and recommendation [DE 12] is ADOPTED. Plaintiff’s complaint is hereby DISMISSED without prejudice. The clerk is DIRECTED to close the case.

SO ORDERED, this 1 day of ~~February~~ ^{March} 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE